

## **CHAPTER 7<sup>1</sup>**

### **PLANNED UNIT DEVELOPMENT**

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#### **14-7-101 PURPOSE**

The purpose of planned unit developments is to allow diversification in the relationship of commercial, office and/or residential uses and structures to their sites and to permit a more flexible development of such sites through large-scale site planning. The application of planned unit development concepts is intended to encourage good architectural and site design, to use public facilities efficiently, to avoid development of environmentally sensitive areas, and to insure substantial compliance with the intent of zoning regulations and other provisions of this Ordinance related to public health, safety and general welfare.

A planned unit development shall mean an integrated design for commercial, office and/or residential development or combination thereof in which one or more of the regulations, other than use regulations of the zoning district in which the development is to be situated, is waived or varied to allow flexibility and initiative in site and building design and location in accordance with an approved plan in compliance with the provisions and requirements of this Chapter.

Planned unit developments are not to be used solely for the purpose of increasing the residential density of a development or avoiding compliance with the requirements of the Subdivision Ordinance. Any planned unit development proposed and approved under this Chapter must show an overall benefit to the environment through the consolidation of open spaces and preservation of environmentally sensitive lands through the clustering dwelling units, the efficient use of public facilities, and any other measures which make the most efficient use of the site and enhance the quality of the development.

Planned unit developments shall be allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land.

#### **14-7-102 CONDITIONAL USE PERMIT REQUIRED**

Commercial planned unit development may be allowed in C-G, C-R, C-H, and Hospital

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zones. Commercial and office planned unit developments may be allowed in C-G, C-R, and Hospital zones only. Mixed use developments of commercial, office and residential uses may be allowed in C-R zones only. Residential planned unit developments may be allowed in all R-1, R-2, and R-3 zones. All planned unit developments shall be considered as conditional uses requiring a conditional use permit. A Conditional Use Permit for a planned unit development shall not be granted unless the planned unit development meets the use limitations, density, and other limitations of the zoning district in which it is to be located, except as such requirements as may be modified as provided by this Chapter or by zoning district regulations. Compliance with the regulations of this Ordinance in no sense excuses the developer from the applicable requirements of the Subdivision and Zoning Ordinance, except as modifications thereof are specifically authorized in the approval of the application for a planned unit development.

The Conditional Use Permit shall be considered in three parts:

1. Conceptual approval to determine the overall desirability and/or compatibility of the Planned Unit Development.
2. Preliminary approval subject to the conditions of notification of surrounding property owners in the normal conditional use process.
3. Final approval based on detailed drawings and specifications in general accord with the preliminary approval and any attached conditions.

#### **14-7-103 DEVELOPMENT REQUIREMENTS**

- A The minimum land area required for development of a planned unit development shall be as follows:

PUD Type	Minimum Acres
Commercial (in C-R, C-G, C-H and Hospital Zones)	8
Commercial/Office Mixed Use (in C-G, C-R and Hospital Zones)	6
Commercial/Office/Residential Mixed Use (in C-R Zone only)	4
Residential (in all R-1, R-2, R-3 and R-F Zones)	6

- B. A planned unit development proposed to contain uses not permitted in the zoning district in which it is to be located will require a change of zoning and shall be accompanied by an application for a zoning amendment. For the purposes of this Chapter, single-family attached dwellings such as townhouses and row houses or zero lot line lots, shall be considered single-family dwellings and may be permitted in a planned unit development in the R-1-6.5 zones. In R-1-8, R-1-10, R-1-12 and R-F single-family residential zones, only detached, single-family dwellings shall be allowed in any planned unit development. Hotels, motels, lodges, mobile home parks, boarding

houses or Bed and Breakfast facilities shall not be considered residential uses for the purposes of this Chapter.

- C. The development site shall be in single, partnership, or corporate ownership, or under option to purchase by an individual, partnership, or corporate entity at the time of application or the application shall be filed jointly by all owners of the property.
- D. The Planning Commission may require such arrangements of structures and open spaces within the site development plan, as necessary, to assure that adjacent properties will not be adversely affected.
- E. Density allowed for a residential planned unit development shall be as follows:
  - 1. 2.5 units per acre in the R-F zone where the minimum lot size as determined by slope is 20,000 square feet; 0.5 units per acre where the minimum lot size as determined by slope is 2 acres; and 0.2 units per acre where the minimum lot size as determined by slope is 5 acres.
  - 2. 6 units per acre in R-1-8 zones.
  - 3. 7 units per acre in R-1-6.5 zones.
  - 4. 9 units per acre in R-2 zones.
  - 5. 13 units per acre in R-3-13 zones.
  - 6. 16 units per acre in R-3-16 zones.
  - 7. 25 units per acre in R-3-25 zones.
- F. Lot area, lot width, setback, and coverage regulations shall be determined by the Conditional Use Permit and approval of the site plan.
- G. Landscaping, fencing and screening related to the uses within the site shall be used as a means of integrating the proposed development into its surroundings and shall be planned and presented to the Planning Commission for approval together with other required plans for the development. Every effort shall be made to preserve all existing trees and substantial shrubs on a development site.
- H. A planting plan, showing proposed tree and shrubbery plantings, shall be prepared for the entire site as part of the landscaping and fencing plans.
- I.
  - 1. Common open space, accessible to all lots or units, equal to a minimum of forty percent (40%) of the gross area of the development site shall be provided in all residential planned unit developments. No streets, driveways, or parking areas

may be included as part of the required open space.

2. Open space and landscaping equal to a minimum of fifteen percent (15%) of the gross area of the development site shall be provided in all commercial and commercial/office mixed use planned unit developments.
- J. Preservation, maintenance and ownership of required open space within a residential planned unit development shall be accomplished by:
1. Dedication of the land as a public park or parkway system.
  2. Granting to Bountiful City a permanent open space easement on and over the said private open spaces to guarantee that the open space remain perpetually in recreational use, with ownership and maintenance being the responsibility of a Homeowner's Association established with articles of association and by-laws which are satisfactory to Bountiful City.
  3. Creation of a separate corporation for home owners by which common area shall be owned and maintained.
  4. Compliance with the provisions of the Condominium Ownership Act of 1963, Title 57, Chapter 8, Utah Code Annotated, 1953, as amended, which provides for the payment of common expenses for the upkeep of common areas and facilities within condominium portions of a development.
- K. A grading and drainage plan shall be submitted with the application.
- L. An overall signage and lighting plan shall be submitted for commercial and mixed use planned unit developments to include all free standing, ground, wall, identification and directional signs and all lighting proposed for the parking lot and outdoor pedestrian areas.
- M. An overall traffic circulation and parking plan shall be submitted to include all points of ingress and egress to the site, the traffic circulation pattern and its effects on adjoining streets, and parking stalls meeting the requirements of Chapter 18 of this Ordinance.

#### **14-7-104 PLANNED UNIT DEVELOPMENT SITE PLAN REQUIREMENTS**

The applicant shall submit a planned unit development site plan for the total area within the proposed development. The application shall be accompanied by a planned unit development site plan showing, where pertinent:

- A. The use or uses, dimensions, sketch elevations, building materials and locations of proposed structures.

- B. Dimensions and locations of areas to be reserved and developed for vehicular and pedestrian circulation, parking, and public uses such as playgrounds, landscaped open areas, and other open spaces.
- C. Architectural drawings and sketches outlining the general design and character of the proposed uses and the physical relationships of the uses.
- D. An analysis of potential impacts on traffic and public utilities shall be provided.
- E. Such other pertinent information including, but not limited to, residential density, coverage, and open space characteristics shall be included as may be necessary to make a determination that the contemplated arrangement of buildings and uses makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this Ordinance.
- F. The size, location, design, and nature of signs, if any, and the intensity and direction or area of flood lighting shall be described in the application. Final approval for signs may be granted as part of the Conditional Use Permit. Any changes to the approved signage and lighting plan must be reviewed and approved by the Planning Commission.
- G. A landscaping plan showing proposed trees, shrubbery and other plantings.
- H. Building materials and colors.

#### **14-7-105 REVIEW BY THE PLANNING COMMISSION**

In order that it may approve a planned unit development, the Planning Commission shall have authority to require that the following conditions (among others it may deem appropriate) be met by the applicant:

- A. That the proponents of the planned unit development have demonstrated to the satisfaction of the Planning Commission that they are financially able to carry out the proposed development.
- B. That the proponents intend to start construction within one (1) year of the approval of the project and intend to complete said construction within two (2) years from the date construction begins for residential planned unit development and within three (3) years from the date construction begins for commercial and commercial/office mixed use developments.
- C. That application for the planned unit development conforms to the provisions of this Ordinance and the Bountiful General Plan in terms of general location, use of land, and in standards of development.
- D. That the planned unit development will constitute a commercial, mixed use or

residential environment of sustained desirability and stability through the use of creative design, landscaping which exceeds minimum requirements in Chapter 16 of this Ordinance, high quality building materials, improved off-street parking facilities, energy efficient construction methods and is in harmony with the character of the neighborhood and the community.

#### **14-7-106 SCOPE OF PLANNING COMMISSION ACTION**

In carrying out the intent of this Chapter, the Planning Commission shall consider the following principles:

- A. Site and building plans for a planned unit development shall be prepared by a licensed architect or engineer duly licensed to do such work in the State of Utah.
- B. Control of the design of a planned unit development by the Planning Commission should not be so rigidly exercised that individual initiative is stifled and substantial additional expense is incurred by the developer; rather, minimum control should be exercised as necessary to achieve the purpose of this Chapter.
- C. The Planning Commission shall also observe those principles stated in Chapter 2, Part 3 of this Ordinance, Architectural and Site Plan Review, as are appropriate to the review of a planned unit development.
- D. The Planning Commission may approve, approve with conditions, or disapprove an application for a planned unit development. In approving an application, the Commission may attach such conditions as it may deem necessary to secure compliance with the purposes of this Chapter. The denial of an application for a planned unit development by the Planning Commission may be appealed to the City Council under the provisions of appeal under Conditional Use Permits in Section 14-2-207 of this Ordinance. All planned unit developments require approval by the City Council. However, no additional public hearing shall be required for such City Council approval.

#### **14-7-107 SUBDIVISION APPROVAL REQUIRED**

A subdivision plat shall be reviewed and approved for planned unit developments in which parts thereof are intended for transfer of fee title. In such cases, the granting of a Conditional Use Permit does not constitute final approval of a planned unit development. Following such conditional use approval, the planned unit development must be submitted for and given preliminary and final subdivision approvals by the Planning Commission and City Council. Such approvals, however, may be done simultaneously with the granting of the Conditional Use Permit.

#### **14-7-108 CONSTRUCTION LIMITATIONS**

- A. Upon approval of a planned unit development, construction shall proceed only in

accordance with the plans and specifications approved by the Planning Commission and City Council and in conformity with any conditions attached by them in their approvals.

- B. Amendments to approved plans and specifications for a planned unit development shall be obtained only by following the procedure herein outlined for initial approval of a planned unit development.
- C. The Building Inspector, Planning Director, and any other City departments authorized to issue permits, shall not issue any permit for any proposed building, structure, activity or use with the project unless such building, structure, activity or use is in accordance with the approved development plan and any conditions imposed in conjunction with its approval.

#### **14-7-109 EXCEPTION**

For purposes of name only, condominium developments that grant fee title ownership of the ground may use the name of “planned unit development” even if it does not meet the requirements of this chapter. However, the use of the name does not make such a project a planned unit development as defined by this chapter or under State law.

